

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

DAVID LOWERY

Plaintiff,

VS.

Case No. 3:07-cv-00954-MEF-CSC

**STATE FARM FIRE AND
CASUALTY COMPANY,
DONNY HOLLEY, et al.,**

Defendants.

DEFENDANTS' MOTION FOR LEAVE TO FILE ONE REQUEST FOR ADMISSION

COME NOW Defendants, State Farm Fire and Casualty Company (hereinafter “State Farm Fire”) and Donny Holley (hereinafter “Holley”) and respectfully request this Court allow Defendants leave to submit one Request for Admission to the Plaintiff. In support of Defendants’ Motion, Defendants submit the following:

1. Defendants' response to Plaintiff's Motion to Remand is due November 21, 2007.
2. Defendants' one Request For Admission, whether answered affirmatively or negatively by the Plaintiff, will resolve issues surrounding removal, specifically, the jurisdictional amount. *See*, Exhibit "A," Defendants' Proposed Request For Admission to Plaintiff
3. Due to the fast-approaching deadline for Defendants' to respond to Plaintiff's Motion to Remand, Defendants ask that this Request For Admission be submitted prior to the FED. R. CIV. P., Rule 16 Scheduling Order, and this Court shorten the time within which the Plaintiff has to respond to the Request For Admission from thirty (30) days to three (3) days.

4. This single request for admission will not be unduly burdensome to the Plaintiff as the Plaintiff presently knows whether he will seek or accept damages in excess of seventy-five thousand dollars (\$75,000), inclusive of interests and costs.
5. If Plaintiff admits that he will not seek or accept damages in excess of seventy-five thousand dollars (\$75,000) inclusive of interests and costs, Defendants will concur with the granting of remand.

Respectfully Submitted this the 8th day of November, 2007.

/s/ James H. Anderson
JAMES H. ANDERSON [AND021]
MICHEAL S. JACKSON [JAC015]
ANGELA TAYLOR BAKER [TAY062]
CONSTANCE T. BUCKALEW [BUC015]
Counsel for Defendant State Farm Fire and
Casualty Company

Of Counsel:

BEERS, ANDERSON, JACKSON,
PATTY & FAWAL, P.C.
P. O. Box 1988
Montgomery, AL 36102-1988
Tel: (334) 834-5311 / Fax: (334) 834-5362

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been electronically filed using the Court's CM/ECF system which will send notice of such filing to the following registered parties to this action:

Nick Wooten, Esq.
WOOTEN LAW FIRM, P.C.
P. O. Drawer 290
Lafayette, AL 35862

David Hodge , Esq.
**PITTMAN, HOOKS, DUTTON, KIRBY
& HELLUMS, P.C.**
1100 Park Place Tower
2001 Park Place North
Birmingham, AL 35203

on this the 8th day of November, 2007.

/s/ James H. Anderson
Of Counsel

**IN THE UNITED STATES DISTRICT COURT
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DAVID LOWERY

Plaintiff,

VS.

Case No. 3:07-cv-00954-MEF-CSC

**STATE FARM FIRE AND
CASUALTY COMPANY,
DONNY HOLLEY, et al.,**

Defendants.

DEFENDANTS' PROPOSED REQUEST FOR ADMISSION TO PLAINTIFF

COME NOW Defendants, State Farm Fire and Casualty Company (hereinafter “State Farm Fire”) and Donny Holley (hereinafter “Holley”) and, pursuant to FED. R. CIV. P. 36 submit the following Request For Admission:

1. Admit the value of the Plaintiff's claim is less than seventy-five thousand dollars (\$75,000), inclusive of any right to court costs, attorney fees, and consequential or punitive damages, and that Plaintiff will not ask for nor will he accept a verdict equal to or in excess of the Court's jurisdictional limit of seventy-five thousand dollars (\$75,000).

Submitted this the ____ day of November, 2007.

JAMES H. ANDERSON [AND021]
MICHEAL S. JACKSON [JAC015]
ANGELA TAYLOR BAKER [TAY062]
CONSTANCE T. BUCKALEW [BUC015]
 Counsel for Defendant State Farm Fire and
 Casualty Company

Of Counsel:

**BEERS, ANDERSON, JACKSON,
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P. O. Box 1988

Montgomery, AL 36102-1988

Tel: (334) 834-5311 / Fax: (334) 834-5362

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing REQUEST FOR ADMISSION has been served upon all parties to this action by depositing a copy of same in the U.S. Mail, postage prepaid, addressed as follows:

Nick Wooten, Esq.

WOOTEN LAW FIRM, P.C.

P. O. Drawer 290

Lafayette, AL 35862

David Hodge , Esq.

**PITTMAN, HOOKS, DUTTON, KIRBY
& HELLUMS, P.C.**

1100 Park Place Tower

2001 Park Place North

Birmingham, AL 35203

on this the ____ day of November, 2007.

Of Counsel